

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *JG* D.C.  
05 AUG 17 AM 11:48

PHILLIP E. BOYNTON, et. al., )  
Plaintiffs, )  
v. ) No. 02-1111 M1/An  
HEADWATERS, INC., et. al., )  
Defendants. )

THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WD OF TN MEMPHIS

ORDER REGARDING PENDING MOTIONS

The Court hereby resolves the following motions pending in the instant case:

Plaintiffs' Motion for Writ of Habeas Corpus ad Testificandum, filed October 15, 2004 (Docket No. 253), is DENIED as moot.

Defendant Headwaters's Motion in Limine to Exclude Opinion Testimony, filed October 18, 2004 (Docket No. 256), is DENIED without prejudice.

Defendant Headwaters's Motion in Limine to Limit Plaintiffs' Use of Evidence of James G. Davidson's Criminal Convictions, or in the Alternative, for Separate Trials, Bifurcating Plaintiffs' Claims Against Headwaters from Plaintiffs' Claim of Fraud Against Mr. Davidson, filed October 18, 2004 (Docket No. 260), is DENIED without prejudice.

Defendant Headwaters's Motion in Limine to Exclude Evidence of any Claimed Interest in the '629 Patent Derivative of Adtech, Inc., filed October 18, 2004 (Docket No. 262), is DENIED without prejudice.

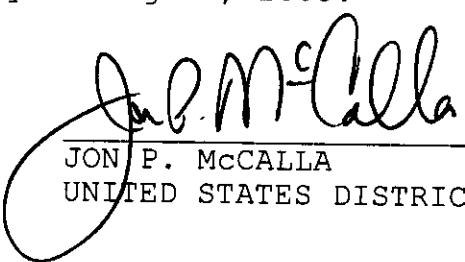
Plaintiffs' Motion for Extension of Time to File Pretrial Memorandum, filed October 18, 2004 (Docket No. 265), is DENIED as moot.

Plaintiffs' Motion in Limine Regarding Expert Testimony of Richard Hoffman, filed October 18, 2004 (Docket No. 267), is DENIED without prejudice.

Plaintiffs' Motion for Extension of Time to File Trial Brief, filed October 20, 2004 (Docket No. 277), is DENIED as moot.

Defendant Headwaters's Motion for Leave to File Reply, filed October 22, 2004 (Docket No. 289), is GRANTED. The Clerk is directed to file the reply brief attached as Exhibit 'A' to Defendant's motion.

So ORDERED this 17 day of August, 2005.

  
\_\_\_\_\_  
JON P. McCALLA  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 375 in case 1:02-CV-01111 was distributed by fax, mail, or direct printing on August 17, 2005 to the parties listed.

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Honorable Jon McCalla  
US DISTRICT COURT